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SUSPENSE DATE:

Remarks:

3637 (4-78)

Executive Secretary

Date

THE WHITE HOUSE

WASHINGTON

July 5, 1978

OLC #78-2675

MEMORANDUM FOR: THE HEADS OF THE DEPARTMENTS, ADMINISTRATIONS, AGENCIES,
AND OFFICES OF THE EXECUTIVE BRANCH OF THE FEDERAL
GOVERNMENT

SUBJECT: National Security and Emergency Preparedness
Telecommunications Management and Coordination
Responsibilities

The President, under the provisions of section 4 of Executive Order 12046, March 27, 1978, delegated certain war power and emergency preparedness functions to the Director, Office of Science and Technology Policy (OSTP) and tasked the National Security Council staff with the responsibility for coordinating the development of policy, plans, programs and standards for the mobilization and use of the nation's telecommunications resources in any emergency.

These functions were assigned to the former Office of Telecommunications Policy (OTP).

The Director (OSTP), in preparing to direct the exercise of the war power functions of the President, and further, in preparing Presidential policy options with respect to the evaluation of the capability of existing and planned telecommunications systems to meet national security and emergency preparedness requirements, including those required to support emergencies defined in the Disaster Relief Act of 1974 (42 USC 5121 et seq., and PL-93-288) will:

- Prepare to assume upon direction, the authorities and responsibilities to be delegated by the Office of Defense Resources (ODR) Action 9, 10, 13, 14, and 17, Annex B (Actions by the Director of the Office of Defense Resources), Federal Emergency Plan D, with respect to telecommunications facilities and services. Those delegations are:

- Priorities and allocations authority with respect to all telecommunications facilities and services subject to the jurisdiction of the United States, as described in the Communications Act of 1934, as amended.

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-- Requisition authority for supplies, equipment, and property, or condemnation or use authority over private property in the interest of national security with respect to all telecommunications facilities subject to the jurisdiction of the United States as described in the Communications Act of 1934, as amended.

-- Emergency contracting authority, subject to the provisions of Sections 2 and 3 of ODR Action 13, with respect to the provision of telecommunications services. (This authority may be redelegated to agencies, officers, and employees of the Federal Government).

-- Subject to the provisions of Section 3 of ODR Action 14 and when found that any contractor has failed, or is likely to fail to produce materials or services contracted for under any contract negotiated in accordance with the provision of ODR Action 13, the authority to take immediate possession of the contractor's plant or facility and operate it for the production or furnishing of such materials or services as may be necessary or appropriate to promote the national defense.

-- Authority to restore, repair, expand, or construct essential facilities through loans, loan guarantees, and the obligation or direct expenditure of Government funds; and provide for the operation of facilities acquired by the Government for the purpose of providing telecommunications services.

- Assume responsibility for Annex C-XI (Telecommunications), Federal Emergency Plan D and be responsible for the execution of the authorities and responsibilities set forth in Parts III and IV of the Annex. Part V will be reissued as necessary to reflect the specific organizational arrangements within the Executive Office of the President required to carry out the emergency responsibilities associated with Annex C-XI. The responsibilities contained in Parts III and IV are summarized as follows:

-- Administer the telecommunications resources of the nation during national emergencies with the advice and assistance of the Federal Communications Commission (FCC) and the Executive Agent, NCS.

-- Administer the war emergency authority over telecommunications assigned to the President by the Communications Act of 1934, as amended.

-- Issue such direction as necessary to the FCC and the Executive Agent, NCS, to assure that the nation's telecommunications facilities and services are available for use, and responsive to a war situation.

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-- Issue Telecommunications Orders (TEL ORDERS) as required to implement emergency management of telecommunications resources.

-- Arrange for the relocation to the Federal Preparedness Agency Special Facility for the purpose of performing the functions outlined above.

- In consonance with the policy direction of the National Security Council, provide guidance to the Executive Agent, NCS, as necessary, to assure that the Executive Agent, NCS, is prepared to execute emergency functions that are assigned to NCS in Part III, subparts A, C(4), C(6), and C(10) of Annex C-XI (Telecommunications), Federal Emergency Plan D.

The Manager, NCS, shall, for the Director, OSTP, be the responsible agent for coordination and issuing changes to emergency planning documents and implementing directives.

The former Office of Telecommunications Policy (OTP), issued the following telecommunications circulars, which shall remain in effect and be complied with until superseded, revised or reissued under the authority of OSTP.

- Circular 4 provides guidance for the use of the radio spectrum in a period of war, or a threat of war, or a state of public peril or disaster or other national emergency.

- Circular 7 prescribes procedures for obtaining telecommunication resources during an emergency.

- Circular 10 provides policy guidance whereby certain key government persons may be assured of undelayed residence telephone service during periods of natural disaster or national emergency.

When the appropriate action is taken on these circulars, Title 47 of the Code of Federal Regulations shall be similarly revised. Until then, substitute Director, OSTP for OTP and E.O. 12046 for E.O. 11556.

To fulfill their assigned responsibilities, the National Security Council staff will provide policy guidance to the Executive Agent, National Communications System (NCS).

The Executive Agent, NCS, has responsibility for the development and issuance of the telecommunications plans listed below:

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- a. NCS Telecommunications Management Plan for Annex C-XI (Telecommunications) Federal Emergency Plan D.
- b. NCS Plan for Communications Support in Emergencies and Major Disasters.

These national level plans which contain national planning guidance and operational direction for providing telecommunications resource management and telecommunications support in emergency situations will continue as the formal U.S. Government documents applicable to all Federal Departments and Agencies. The Executive Agent, NCS, is hereby tasked as the coordinating authority for the National Security Council staff in these functional areas.

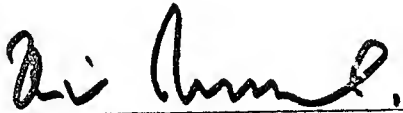
The former Office of Telecommunications Policy (OTP) issued the following telecommunications circulars, which shall remain in effect until superseded by National Security Council directives:

- a. Circular 5 designates a focal point within the Federal Government for electromagnetic pulse (EMP) information concerning telecommunications.
- b. Circular 6 establishes policies and procedures under which Government and private entities will be furnished restoration priorities to ensure that intercity private line telecommunications services vital to the national interest will be maintained during national emergencies.
- c. Circular 8 establishes policies and procedures for a Government and Public Correspondence Telecommunications Precedence System.
- d. Circular 9 establishes guidelines and promulgates policy for leasing of telecommunications services for the U.S. Government and negotiation of intergovernmental agreements for/or involving telecommunications facilities and/or services.

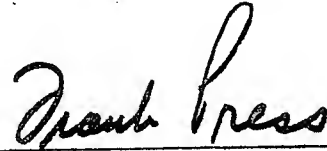
Consistent with the NSC responsibility for policy guidance to the NCS, the Executive Agent, NCS, will continue to be responsible for program management and oversight of the Federal Telecommunications Standards Program. Minimizing or removing technical impediments to assure interoperability of government telecommunications systems, particularly for use under national emergency conditions, shall be a major NCS objective.

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The NCS will also make every effort to insure that standards dealing with the computer communications interface are developed in concert with the National Bureau of Standards and that existing or evolving industry, national, and international standards are used wherever feasible as the basis for Federal telecommunications standards.



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